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110TH CONGRESS
1ST SESSION

H. R. 2386

To amend title XVIII of the Social Security Act to provide special treatment of certain cancer hospitals under the Medicare Program.

IN THE HOUSE OF REPRESENTATIVES

MAY 17, 2007

Mr. PALLONE introduced the following bill; which was referred to the Committee on Ways and Means

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A BILL

To amend title XVIII of the Social Security Act to provide special treatment of certain cancer hospitals under the Medicare Program.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SPECIAL TREATMENT OF CANCER HOSPITALS UNDER THE MEDICARE PROGRAM.

(a) IN GENERAL.—Section 1886(d)(1)(B) of the Social Security Act (42 U.S.C. 1395ww(d)(1)(B)) is amended—

(1) by striking "or" at the end of clause (iv);

(2) by striking the semicolon at the end of clause (v) and inserting ", or"; and

(3) by inserting after clause (v) the following new clause:

"(vi) a hospital that—

"(I) is located in a State which ranks (according to the National Cancer Institute's statistics published in May of 2005) among the top ten States in the incidence of non-Hodgkins lymphoma, ovarian cancer, thyroid cancer, and cervical cancer and among the top ten States with the highest death rate for breast cancer and uterine cancer;

"(II) is located in a State that as of December 31, 2006, had only one center under section 414 of the Public Health Service Act that has been designated by the National Cancer Institute as a comprehensive center currently serving all 21 counties in the most densely populated State in the nation (U.S. Census estimate for 2005: 8,717,925 persons; 1,134.5 persons per square mile), serving more than 70,000 patient visits annually;

"(III) as of December 31, 2006, served as the teaching and clinical care, research and training hospital for the Center described in

subclause (II), providing significant financial and operational support to such Center;

"(IV) as of December 31, 2006, served as a core and essential element in such Center which conducts more than 130 clinical trial activities, national cooperative group studies, investigator-initiated and peer review studies and has received as of 2005 at least $93,000,000 in research grant awards;

"(V) as of December 31, 2006, can demonstrate that it has been a unique and an integral component of such Center since such Center's inception;

"(VI) as of December 31, 2006, includes dedicated patient care units organized primarily for the treatment of and research on cancer with approximately 125 beds, 75 percent of which are dedicated to cancer patients, and contains a radiation oncology department as well as specialized emergency services for oncology patients;

"(VII) as of December 31, 2004, is identified as the focus of the Center's inpatient activities in the Center's application as a NCI-designated comprehensive cancer center and

1 shares the NCI comprehensive cancer designa-
2 tion with the Center; and
3 "(VIII) as of December 31, 2006, has been
4 recognized with a certificate of approval with
5 commendation by the American College of Sur-
6 geons Commission on Cancer;".
7 (b) CONFORMING AMENDMENT.—Section
8 1886(b)(3)(E) of such Act (42 U.S.C. 1395ww(b)(3)(E))
9 is amended by striking "clause (v)" and inserting "clauses
10 (v) and (vi)".
11 (c) EFFECTIVE DATE; PAYMENTS.—
12 (1) APPLICATION TO COST REPORTING PERI-
13 ODS.—Any classification by reason of section
14 1886(d)(1)(B)(vi) of the Social Security Act (42
15 U.S.C. 1395ww(d)(1)(B)(vi)), as inserted by sub-
16 section (a), shall apply to cost reporting periods be-
17 ginning on or after January 1, 2006.
18 (2) BASE TARGET AMOUNT.—Notwithstanding
19 subsection (b)(3)(E) of section 1886 of the Social
20 Security Act (42 U.S.C. 1395ww), in the case of a
21 hospital described in subsection (d)(1)(B)(vi) of such
22 section, as inserted by subsection (a)—
23 (A) the hospital shall be permitted to re-
24 submit the 2006 Medicare 2552 cost report in-
25 corporating a cancer hospital sub-provider num-

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ber and to apply the Medicare ratio-of-cost-to-charge settlement methodology for outpatient cancer services; and

(B) the hospital's target amount under subsection (b)(3)(E)(i) of such section for the first cost reporting period beginning on or after January 1, 2006, shall be the allowable operating costs of inpatient hospital services (referred to in subclause (I) of such subsection) for such first cost reporting period.

(3) DEADLINE FOR PAYMENTS.—Any payments owed to a hospital as a result of this section for periods occurring before the date of the enactment of this Act shall be made expeditiously, but in no event later than 1 year after such date of enactment.

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